

AMENDED IN ASSEMBLY FEBRUARY 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 134**

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**Introduced by Assembly Members Logue and Mansoor**  
*(Principal coauthor: Senator Fuller)*

January 16, 2013

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An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 134, as amended, Logue. The California Public Records Act: applications for licenses and licenses to carry firearms.

Existing law, the California Public Records Act, provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and every person has a right to inspect any public record, except as provided. However, existing law provides that nothing in the act shall be construed to require disclosure of information contained in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family. Existing law also provides that the provisions shall not be construed to require disclosure of the home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses or in licenses to carry firearms, as specified.

This bill would instead provide that the California Public Records Act shall not be construed to require the disclosure of the ~~home address and telephone number~~ *names, home addresses, and telephone*

numbers of applicants that are set forth in applications to carry firearms or of licensees that are set forth in licenses to carry firearms, as specified. Because this bill would increase the duties of county sheriffs and the chiefs or other heads of police departments that issue firearms license applications, this bill would impose a state-mandated local program.

This bill would also make technical, nonsubstantive changes to these provisions.

Existing constitutional provisions require that a statute that limits the right of access to public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6254 of the Government Code is amended
- 2 to read:
- 3 6254. Except as provided in Sections 6254.7 and 6254.13,
- 4 nothing in this chapter shall be construed to require disclosure of
- 5 records that are any of the following:
- 6 (a) Preliminary drafts, notes, or interagency or intra-agency
- 7 memoranda that are not retained by the public agency in the
- 8 ordinary course of business, if the public interest in withholding
- 9 those records clearly outweighs the public interest in disclosure.
- 10 (b) Records pertaining to pending litigation to which the public
- 11 agency is a party, or to claims made pursuant to Division 3.6
- 12 (commencing with Section 810), until the pending litigation or
- 13 claim has been finally adjudicated or otherwise settled.
- 14 (c) Personnel, medical, or similar files, the disclosure of which
- 15 would constitute an unwarranted invasion of personal privacy.
- 16 (d) Contained in or related to any of the following:

1 (1) Applications filed with any state agency responsible for the  
2 regulation or supervision of the issuance of securities or of financial  
3 institutions, including, but not limited to, banks, savings and loan  
4 associations, industrial loan companies, credit unions, and  
5 insurance companies.

6 (2) Examination, operating, or condition reports prepared by,  
7 on behalf of, or for the use of, any state agency referred to in  
8 paragraph (1).

9 (3) Preliminary drafts, notes, or interagency or intra-agency  
10 communications prepared by, on behalf of, or for the use of, any  
11 state agency referred to in paragraph (1).

12 (4) Information received in confidence by any state agency  
13 referred to in paragraph (1).

14 (e) Geological and geophysical data, plant production data, and  
15 similar information relating to utility systems development, or  
16 market or crop reports, that are obtained in confidence from any  
17 person.

18 (f) Records of complaints to, or investigations conducted by,  
19 or records of intelligence information or security procedures of,  
20 the office of the Attorney General and the Department of Justice,  
21 ~~the California Emergency Management Agency, Office of~~  
22 *Emergency Services*, and any state or local police agency, or any  
23 investigatory or security files compiled by any other state or local  
24 police agency, or any investigatory or security files compiled by  
25 any other state or local agency for correctional, law enforcement,  
26 or licensing purposes. However, state and local law enforcement  
27 agencies shall disclose the names and addresses of persons involved  
28 in, or witnesses other than confidential informants to, the incident,  
29 the description of any property involved, the date, time, and  
30 location of the incident, all diagrams, statements of the parties  
31 involved in the incident, the statements of all witnesses, other than  
32 confidential informants, to the victims of an incident, or an  
33 authorized representative thereof, an insurance carrier against  
34 which a claim has been or might be made, and any person suffering  
35 bodily injury or property damage or loss, as the result of the  
36 incident caused by arson, burglary, fire, explosion, larceny,  
37 robbery, carjacking, vandalism, vehicle theft, or a crime as defined  
38 by subdivision (b) of Section 13951, unless the disclosure would  
39 endanger the safety of a witness or other person involved in the  
40 investigation, or unless disclosure would endanger the successful

1 completion of the investigation or a related investigation. However,  
2 nothing in this division shall require the disclosure of that portion  
3 of those investigative files that reflects the analysis or conclusions  
4 of the investigating officer.

5 Customer lists provided to a state or local police agency by an  
6 alarm or security company at the request of the agency shall be  
7 construed to be records subject to this subdivision.

8 Notwithstanding any other provision of this subdivision, state  
9 and local law enforcement agencies shall make public the following  
10 information, except to the extent that disclosure of a particular  
11 item of information would endanger the safety of a person involved  
12 in an investigation or would endanger the successful completion  
13 of the investigation or a related investigation:

14 (1) The full name and occupation of every individual arrested  
15 by the agency, the individual's physical description including date  
16 of birth, color of eyes and hair, sex, height and weight, the time  
17 and date of arrest, the time and date of booking, the location of  
18 the arrest, the factual circumstances surrounding the arrest, the  
19 amount of bail set, the time and manner of release or the location  
20 where the individual is currently being held, and all charges the  
21 individual is being held upon, including any outstanding warrants  
22 from other jurisdictions and parole or probation holds.

23 (2) Subject to the restrictions imposed by Section 841.5 of the  
24 Penal Code, the time, substance, and location of all complaints or  
25 requests for assistance received by the agency and the time and  
26 nature of the response thereto, including, to the extent the  
27 information regarding crimes alleged or committed or any other  
28 incident investigated is recorded, the time, date, and location of  
29 occurrence, the time and date of the report, the name and age of  
30 the victim, the factual circumstances surrounding the crime or  
31 incident, and a general description of any injuries, property, or  
32 weapons involved. The name of a victim of any crime defined by  
33 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,  
34 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,  
35 286, 288, 288a, 288.2, 288.3 (as added by Section 6 of Proposition  
36 83 of the November 7, 2006, statewide general election), 288.4,  
37 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the  
38 Penal Code may be withheld at the victim's request, or at the  
39 request of the victim's parent or guardian if the victim is a minor.  
40 When a person is the victim of more than one crime, information

1 disclosing that the person is a victim of a crime defined in any of  
2 the sections of the Penal Code set forth in this subdivision may be  
3 deleted at the request of the victim, or the victim's parent or  
4 guardian if the victim is a minor, in making the report of the crime,  
5 or of any crime or incident accompanying the crime, available to  
6 the public in compliance with the requirements of this paragraph.

7 (3) Subject to the restrictions of Section 841.5 of the Penal Code  
8 and this subdivision, the current address of every individual  
9 arrested by the agency and the current address of the victim of a  
10 crime, where the requester declares under penalty of perjury that  
11 the request is made for a scholarly, journalistic, political, or  
12 governmental purpose, or that the request is made for investigation  
13 purposes by a licensed private investigator as described in Chapter  
14 11.3 (commencing with Section 7512) of Division 3 of the Business  
15 and Professions Code. However, the address of the victim of any  
16 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,  
17 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,  
18 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Section  
19 6 of Proposition 83 of the November 7, 2006, statewide general  
20 election), 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9,  
21 or 647.6 of the Penal Code shall remain confidential. Address  
22 information obtained pursuant to this paragraph may not be used  
23 directly or indirectly, or furnished to another, to sell a product or  
24 service to any individual or group of individuals, and the requester  
25 shall execute a declaration to that effect under penalty of perjury.  
26 Nothing in this paragraph shall be construed to prohibit or limit a  
27 scholarly, journalistic, political, or government use of address  
28 information obtained pursuant to this paragraph.

29 (g) Test questions, scoring keys, and other examination data  
30 used to administer a licensing examination, examination for  
31 employment, or academic examination, except as provided for in  
32 Chapter 3 (commencing with Section 99150) of Part 65 of Division  
33 14 of Title 3 of the Education Code.

34 (h) The contents of real estate appraisals or engineering or  
35 feasibility estimates and evaluations made for or by the state or  
36 local agency relative to the acquisition of property, or to  
37 prospective public supply and construction contracts, until all of  
38 the property has been acquired or all of the contract agreement  
39 obtained. However, the law of eminent domain shall not be affected  
40 by this provision.

- 1 (i) Information required from any taxpayer in connection with  
2 the collection of local taxes that is received in confidence and the  
3 disclosure of the information to other persons would result in unfair  
4 competitive disadvantage to the person supplying the information.
- 5 (j) Library circulation records kept for the purpose of identifying  
6 the borrower of items available in libraries, and library and museum  
7 materials made or acquired and presented solely for reference or  
8 exhibition purposes. The exemption in this subdivision shall not  
9 apply to records of fines imposed on the borrowers.
- 10 (k) Records, the disclosure of which is exempted or prohibited  
11 pursuant to federal or state law, including, but not limited to,  
12 provisions of the Evidence Code relating to privilege.
- 13 (l) Correspondence of and to the Governor or employees of the  
14 Governor's office or in the custody of or maintained by the  
15 Governor's Legal Affairs Secretary. However, public records shall  
16 not be transferred to the custody of the Governor's Legal Affairs  
17 Secretary to evade the disclosure provisions of this chapter.
- 18 (m) In the custody of or maintained by the Legislative Counsel,  
19 except those records in the public database maintained by the  
20 Legislative Counsel that are described in Section 10248.
- 21 (n) Statements of personal worth or personal financial data  
22 required by a licensing agency and filed by an applicant with the  
23 licensing agency to establish his or her personal qualification for  
24 the license, certificate, or permit applied for.
- 25 (o) Financial data contained in applications for financing under  
26 Division 27 (commencing with Section 44500) of the Health and  
27 Safety Code, where an authorized officer of the California Pollution  
28 Control Financing Authority determines that disclosure of the  
29 financial data would be competitively injurious to the applicant  
30 and the data is required in order to obtain guarantees from the  
31 United States Small Business Administration. The California  
32 Pollution Control Financing Authority shall adopt rules for review  
33 of individual requests for confidentiality under this section and for  
34 making available to the public those portions of an application that  
35 are subject to disclosure under this chapter.
- 36 (p) Records of state agencies related to activities governed by  
37 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
38 (commencing with Section 3525), and Chapter 12 (commencing  
39 with Section 3560) of Division 4, that reveal a state agency's  
40 deliberative processes, impressions, evaluations, opinions,

1 recommendations, meeting minutes, research, work products,  
2 theories, or strategy, or that provide instruction, advice, or training  
3 to employees who do not have full collective bargaining and  
4 representation rights under these chapters. Nothing in this  
5 subdivision shall be construed to limit the disclosure duties of a  
6 state agency with respect to any other records relating to the  
7 activities governed by the employee relations acts referred to in  
8 this subdivision.

9 (q) (1) Records of state agencies related to activities governed  
10 by Article 2.6 (commencing with Section 14081), Article 2.8  
11 (commencing with Section 14087.5), and Article 2.91  
12 (commencing with Section 14089) of Chapter 7 of Part 3 of  
13 Division 9 of the Welfare and Institutions Code, that reveal the  
14 special negotiator's deliberative processes, discussions,  
15 communications, or any other portion of the negotiations with  
16 providers of health care services, impressions, opinions,  
17 recommendations, meeting minutes, research, work product,  
18 theories, or strategy, or that provide instruction, advice, or training  
19 to employees.

20 (2) Except for the portion of a contract containing the rates of  
21 payment, contracts for inpatient services entered into pursuant to  
22 these articles, on or after April 1, 1984, shall be open to inspection  
23 one year after they are fully executed. If a contract for inpatient  
24 services that is entered into prior to April 1, 1984, is amended on  
25 or after April 1, 1984, the amendment, except for any portion  
26 containing the rates of payment, shall be open to inspection one  
27 year after it is fully executed. If the California Medical Assistance  
28 Commission enters into contracts with health care providers for  
29 other than inpatient hospital services, those contracts shall be open  
30 to inspection one year after they are fully executed.

31 (3) Three years after a contract or amendment is open to  
32 inspection under this subdivision, the portion of the contract or  
33 amendment containing the rates of payment shall be open to  
34 inspection.

35 (4) Notwithstanding any other provision of law, the entire  
36 contract or amendment shall be open to inspection by the Joint  
37 Legislative Audit Committee and the Legislative Analyst's Office.  
38 The committee and that office shall maintain the confidentiality  
39 of the contracts and amendments until the time a contract or  
40 amendment is fully open to inspection by the public.

- 1 (r) Records of Native American graves, cemeteries, and sacred  
 2 places and records of Native American places, features, and objects  
 3 described in Sections 5097.9 and 5097.993 of the Public Resources  
 4 Code maintained by, or in the possession of, the Native American  
 5 Heritage Commission, another state agency, or a local agency.
- 6 (s) A final accreditation report of the Joint Commission on  
 7 Accreditation of Hospitals that has been transmitted to the State  
 8 Department of Health Care Services pursuant to subdivision (b)  
 9 of Section 1282 of the Health and Safety Code.
- 10 (t) Records of a local hospital district, formed pursuant to  
 11 Division 23 (commencing with Section 32000) of the Health and  
 12 Safety Code, or the records of a municipal hospital, formed  
 13 pursuant to Article 7 (commencing with Section 37600) or Article  
 14 8 (commencing with Section 37650) of Chapter 5 of Part 2 of  
 15 Division 3 of Title 4 of this code, that relate to any contract with  
 16 an insurer or nonprofit hospital service plan for inpatient or  
 17 outpatient services for alternative rates pursuant to Section 10133  
 18 of the Insurance Code. However, the record shall be open to  
 19 inspection within one year after the contract is fully executed.
- 20 (u) (1) Information contained in applications for licenses to  
 21 carry firearms issued pursuant to Section 26150, 26155, 26170,  
 22 or 26215 of the Penal Code by the sheriff of a county or the chief  
 23 or other head of a municipal police department that indicates when  
 24 or where the applicant is vulnerable to attack or that concerns the  
 25 applicant's medical or psychological history or that of members  
 26 of his or her family.
- 27 (2) ~~The home address and telephone number~~ *names, home*  
 28 *addresses, and telephone numbers* of applicants that are set forth  
 29 in applications for licenses to carry firearms issued pursuant to  
 30 Section 26150, 26155, 26170, or 26215 of the Penal Code by the  
 31 sheriff of a county or the chief or other head of a municipal police  
 32 department.
- 33 (3) ~~The home address and telephone number~~ *names, home*  
 34 *addresses, and telephone numbers* of licensees that are set forth  
 35 in licenses to carry firearms issued pursuant to Section 26150,  
 36 26155, 26170, or 26215 of the Penal Code by the sheriff of a  
 37 county or the chief or other head of a municipal police department.
- 38 (v) (1) Records of the Managed Risk Medical Insurance Board  
 39 related to activities governed by Part 6.3 (commencing with Section  
 40 12695), Part 6.5 (commencing with Section 12700), Part 6.6

1 (commencing with Section 12739.5), and Part 6.7 (commencing  
2 with Section 12739.70) of Division 2 of the Insurance Code, and  
3 that reveal any of the following:

4 (A) The deliberative processes, discussions, communications,  
5 or any other portion of the negotiations with entities contracting  
6 or seeking to contract with the board, entities with which the board  
7 is considering a contract, or entities with which the board is  
8 considering or enters into any other arrangement under which the  
9 board provides, receives, or arranges services or reimbursement.

10 (B) The impressions, opinions, recommendations, meeting  
11 minutes, research, work product, theories, or strategy of the board  
12 or its staff, or records that provide instructions, advice, or training  
13 to employees.

14 (2) (A) Except for the portion of a contract that contains the  
15 rates of payment, contracts entered into pursuant to Part 6.3  
16 (commencing with Section 12695), Part 6.5 (commencing with  
17 Section 12700), Part 6.6 (commencing with Section 12739.5), or  
18 Part 6.7 (commencing with Section 12739.70) of Division 2 of the  
19 Insurance Code, on or after July 1, 1991, shall be open to inspection  
20 one year after their effective dates.

21 (B) If a contract that is entered into prior to July 1, 1991, is  
22 amended on or after July 1, 1991, the amendment, except for any  
23 portion containing the rates of payment, shall be open to inspection  
24 one year after the effective date of the amendment.

25 (3) Three years after a contract or amendment is open to  
26 inspection pursuant to this subdivision, the portion of the contract  
27 or amendment containing the rates of payment shall be open to  
28 inspection.

29 (4) Notwithstanding any other law, the entire contract or  
30 amendments to a contract shall be open to inspection by the Joint  
31 Legislative Audit Committee. The committee shall maintain the  
32 confidentiality of the contracts and amendments thereto, until the  
33 contracts or amendments to the contracts are open to inspection  
34 pursuant to paragraph (3).

35 (w) (1) Records of the Managed Risk Medical Insurance Board  
36 related to activities governed by Chapter 8 (commencing with  
37 Section 10700) of Part 2 of Division 2 of the Insurance Code, and  
38 that reveal the deliberative processes, discussions, communications,  
39 or any other portion of the negotiations with health plans, or the  
40 impressions, opinions, recommendations, meeting minutes,

1 research, work product, theories, or strategy of the board or its  
2 staff, or records that provide instructions, advice, or training to  
3 employees.

4 (2) Except for the portion of a contract that contains the rates  
5 of payment, contracts for health coverage entered into pursuant to  
6 Chapter 8 (commencing with Section 10700) of Part 2 of Division  
7 2 of the Insurance Code, on or after January 1, 1993, shall be open  
8 to inspection one year after they have been fully executed.

9 (3) Notwithstanding any other law, the entire contract or  
10 amendments to a contract shall be open to inspection by the Joint  
11 Legislative Audit Committee. The committee shall maintain the  
12 confidentiality of the contracts and amendments thereto, until the  
13 contracts or amendments to the contracts are open to inspection  
14 pursuant to paragraph (2).

15 (x) Financial data contained in applications for registration, or  
16 registration renewal, as a service contractor filed with the Director  
17 of Consumer Affairs pursuant to Chapter 20 (commencing with  
18 Section 9800) of Division 3 of the Business and Professions Code,  
19 for the purpose of establishing the service contractor's net worth,  
20 or financial data regarding the funded accounts held in escrow for  
21 service contracts held in force in this state by a service contractor.

22 (y) (1) Records of the Managed Risk Medical Insurance Board  
23 related to activities governed by Part 6.2 (commencing with Section  
24 12693) or Part 6.4 (commencing with Section 12699.50) of  
25 Division 2 of the Insurance Code, and that reveal any of the  
26 following:

27 (A) The deliberative processes, discussions, communications,  
28 or any other portion of the negotiations with entities contracting  
29 or seeking to contract with the board, entities with which the board  
30 is considering a contract, or entities with which the board is  
31 considering or enters into any other arrangement under which the  
32 board provides, receives, or arranges services or reimbursement.

33 (B) The impressions, opinions, recommendations, meeting  
34 minutes, research, work product, theories, or strategy of the board  
35 or its staff, or records that provide instructions, advice, or training  
36 to employees.

37 (2) (A) Except for the portion of a contract that contains the  
38 rates of payment, contracts entered into pursuant to Part 6.2  
39 (commencing with Section 12693) or Part 6.4 (commencing with  
40 Section 12699.50) of Division 2 of the Insurance Code, on or after

1 January 1, 1998, shall be open to inspection one year after their  
2 effective dates.

3 (B) If a contract entered into pursuant to Part 6.2 (commencing  
4 with Section 12693) or Part 6.4 (commencing with Section  
5 12699.50) of Division 2 of the Insurance Code is amended, the  
6 amendment shall be open to inspection one year after the effective  
7 date of the amendment.

8 (3) Three years after a contract or amendment is open to  
9 inspection pursuant to this subdivision, the portion of the contract  
10 or amendment containing the rates of payment shall be open to  
11 inspection.

12 (4) Notwithstanding any other law, the entire contract or  
13 amendments to a contract shall be open to inspection by the Joint  
14 Legislative Audit Committee. The committee shall maintain the  
15 confidentiality of the contracts and amendments thereto until the  
16 contract or amendments to a contract are open to inspection  
17 pursuant to paragraph (2) or (3).

18 (5) The exemption from disclosure provided pursuant to this  
19 subdivision for the contracts, deliberative processes, discussions,  
20 communications, negotiations, impressions, opinions,  
21 recommendations, meeting minutes, research, work product,  
22 theories, or strategy of the board or its staff shall also apply to the  
23 contracts, deliberative processes, discussions, communications,  
24 negotiations, impressions, opinions, recommendations, meeting  
25 minutes, research, work product, theories, or strategy of applicants  
26 pursuant to Part 6.4 (commencing with Section 12699.50) of  
27 Division 2 of the Insurance Code.

28 (z) Records obtained pursuant to paragraph (2) of subdivision  
29 (f) of Section 2891.1 of the Public Utilities Code.

30 (aa) A document prepared by or for a state or local agency that  
31 assesses its vulnerability to terrorist attack or other criminal acts  
32 intended to disrupt the public agency's operations and that is for  
33 distribution or consideration in a closed session.

34 (ab) Critical infrastructure information, as defined in Section  
35 131(3) of Title 6 of the United States Code, that is voluntarily  
36 submitted to the ~~California Emergency Management Agency Office~~  
37 *of Emergency Services* for use by that office, including the identity  
38 of the person who or entity that voluntarily submitted the  
39 information. As used in this subdivision, "voluntarily submitted"  
40 means submitted in the absence of the office exercising any legal

1 authority to compel access to or submission of critical infrastructure  
2 information. This subdivision shall not affect the status of  
3 information in the possession of any other state or local  
4 governmental agency.

5 (ac) All information provided to the Secretary of State by a  
6 person for the purpose of registration in the Advance Health Care  
7 Directive Registry, except that those records shall be released at  
8 the request of a health care provider, a public guardian, or the  
9 registrant's legal representative.

10 (ad) The following records of the State Compensation Insurance  
11 Fund:

12 (1) Records related to claims pursuant to Chapter 1  
13 (commencing with Section 3200) of Division 4 of the Labor Code,  
14 to the extent that confidential medical information or other  
15 individually identifiable information would be disclosed.

16 (2) Records related to the discussions, communications, or any  
17 other portion of the negotiations with entities contracting or seeking  
18 to contract with the fund, and any related deliberations.

19 (3) Records related to the impressions, opinions,  
20 recommendations, meeting minutes of meetings or sessions that  
21 are lawfully closed to the public, research, work product, theories,  
22 or strategy of the fund or its staff, on the development of rates,  
23 contracting strategy, underwriting, or competitive strategy pursuant  
24 to the powers granted to the fund in Chapter 4 (commencing with  
25 Section 11770) of Part 3 of Division 2 of the Insurance Code.

26 (4) Records obtained to provide workers' compensation  
27 insurance under Chapter 4 (commencing with Section 11770) of  
28 Part 3 of Division 2 of the Insurance Code, including, but not  
29 limited to, any medical claims information, policyholder  
30 information, provided that nothing in this paragraph shall be  
31 interpreted to prevent an insurance agent or broker from obtaining  
32 proprietary information or other information authorized by law to  
33 be obtained by the agent or broker, and information on rates,  
34 pricing, and claims handling received from brokers.

35 (5) (A) Records that are trade secrets pursuant to Section  
36 6276.44, or Article 11 (commencing with Section 1060) of Chapter  
37 4 of Division 8 of the Evidence Code, including, without limitation,  
38 instructions, advice, or training provided by the State Compensation  
39 Insurance Fund to its board members, officers, and employees  
40 regarding the fund's special investigation unit, internal audit unit,

1 and informational security, marketing, rating, pricing, underwriting,  
2 claims handling, audits, and collections.

3 (B) Notwithstanding subparagraph (A), the portions of records  
4 containing trade secrets shall be available for review by the Joint  
5 Legislative Audit Committee, the ~~Bureau of State Audits California~~  
6 *State Auditor's Office*, Division of Workers' Compensation, and  
7 the Department of Insurance to ensure compliance with applicable  
8 law.

9 (6) (A) Internal audits containing proprietary information and  
10 the following records that are related to an internal audit:

11 (i) Personal papers and correspondence of any person providing  
12 assistance to the fund when that person has requested in writing  
13 that his or her papers and correspondence be kept private and  
14 confidential. Those papers and correspondence shall become public  
15 records if the written request is withdrawn, or upon order of the  
16 fund.

17 (ii) Papers, correspondence, memoranda, or any substantive  
18 information pertaining to any audit not completed or an internal  
19 audit that contains proprietary information.

20 (B) Notwithstanding subparagraph (A), the portions of records  
21 containing proprietary information, or any information specified  
22 in subparagraph (A) shall be available for review by the Joint  
23 Legislative Audit Committee, the ~~Bureau of State Audits California~~  
24 *State Auditor's Office*, Division of Workers' Compensation, and  
25 the Department of Insurance to ensure compliance with applicable  
26 law.

27 (7) (A) Except as provided in subparagraph (C), contracts  
28 entered into pursuant to Chapter 4 (commencing with Section  
29 11770) of Part 3 of Division 2 of the Insurance Code shall be open  
30 to inspection one year after the contract has been fully executed.

31 (B) If a contract entered into pursuant to Chapter 4 (commencing  
32 with Section 11770) of Part 3 of Division 2 of the Insurance Code  
33 is amended, the amendment shall be open to inspection one year  
34 after the amendment has been fully executed.

35 (C) Three years after a contract or amendment is open to  
36 inspection pursuant to this subdivision, the portion of the contract  
37 or amendment containing the rates of payment shall be open to  
38 inspection.

39 (D) Notwithstanding any other law, the entire contract or  
40 amendments to a contract shall be open to inspection by the Joint

1 Legislative Audit Committee. The committee shall maintain the  
2 confidentiality of the contracts and amendments thereto until the  
3 contract or amendments to a contract are open to inspection  
4 pursuant to this paragraph.

5 (E) This paragraph is not intended to apply to documents related  
6 to contracts with public entities that are not otherwise expressly  
7 confidential as to that public entity.

8 (F) For purposes of this paragraph, “fully executed” means the  
9 point in time when all of the necessary parties to the contract have  
10 signed the contract.

11 This section shall not prevent any agency from opening its  
12 records concerning the administration of the agency to public  
13 inspection, unless disclosure is otherwise prohibited by law.

14 This section shall not prevent any health facility from disclosing  
15 to a certified bargaining agent relevant financing information  
16 pursuant to Section 8 of the National Labor Relations Act (29  
17 U.S.C. Sec. 158).

18 SEC. 2. The Legislature finds and declares that this act imposes  
19 a limitation on the public’s right of access to the meetings of public  
20 bodies or the writings of public officials and agencies within the  
21 meaning of Section 3 of Article I of the California Constitution.  
22 Pursuant to that constitutional provision, the Legislature makes  
23 the following finding to demonstrate the interest protected by this  
24 limitation and the need for protecting the interest:

25 In order to prevent crimes against applicants for licenses to carry  
26 firearms and persons who are licensed to carry firearms, it is  
27 necessary that this act take effect.

28 SEC. 3. If the Commission on State Mandates determines that  
29 this act contains costs mandated by the state, reimbursement to  
30 local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.